

\*E-FILED 10/8/2008\*

Attorneys for Defendants  
COUNTY OF SANTA CLARA, KENNETH  
BORELLI, LAWRENCE GALLEGOS,  
EPIFANIO REYNA, and TANYA BEYERS

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN JOSE DIVISION)

UNITED STATES OF AMERICA, ) No. C05-01962 HRL  
ex. rel. DONNA M McLEAN et al., )  
Plaintiffs, ) **STIPULATION AND AMENDED**  
v. ) **PROPOSED ORDER TO EXTEND THE**  
THE COUNTY OF SANTA CLARA, a ) **DEADLINE FOR DEFENDANTS TO**  
municipality et al., ) **COMPLETE EXPERT DISCOVERY**  
Defendants. )

The parties submit the following Stipulation and Proposed Order for the purpose of requesting that the Court extend the October 8, 2008 deadline for Defendants to complete discovery as to any experts identified by Relator Donna McLean.

On July 17, 2008, the Court, in an order denying in part and granting in part Defendants' motion to compel expert discovery, set a deadline of October 8, 2008, for Defendants to complete discovery as to any experts identified by Relator.

On August 8, 2008, Relator served a supplemental expert disclosure as ordered by the Court in its July 17, 2008 order.

On September 10, 2008, Defendants served by mail a subpoena and deposition notice for Robert Geffner, Ph.D. for a deposition on September 23, 2008 in San Diego, California, and on

1 September 11, 2008, Defendants served by mail an amended notice for deposition on September  
 2 23, 2008, at Dr. Geffner's office in San Diego.

3 On September 22, 2008, Relator's counsel's associate informed Defendants' counsel that  
 4 he was unavailable for the September 23, 2008 deposition as previously stated by Relator's  
 5 counsel's assistant on August 27, 2008.

6 On September 22, 2008, Dr. Geffner informed counsel for Defendants that he had limited  
 7 availability in October.

8 On September 22, 2008, Relator filed a motion for protective order regarding Dr.  
 9 Geffner's deposition due to the unavailability of Relator's counsel.

10 Defendants represent that they have been unable to serve the following individuals with a  
 11 subpoena for deposition: Nedra Jones, Delina Ferretti, and Renee Miller.

12 The parties agree that additional time is needed to complete the depositions of Relator's  
 13 experts who are unavailable before October 8, 2008.

14 Accordingly, the parties stipulate to extend the deadline for Defendants to complete  
 15 discovery as to Dr. Robert Geffner, Dr. Robert Chastain, Nedra Jones, and Delina Ferretti to  
 16 November 18, 2008; with respect to Karl Hoffower, because he has indicated that he is not  
 17 available until the time period November 23-November 29 2008, it is stipulated that the  
 18 deadline is extended to November 30, 2008. With respect to Noemi Baiza, who was subpoenaed  
 19 for a deposition for October 2, 2008, it is stipulated that her deposition may be taken on a date  
 20 after October 8, 2008 because she has requested a continuance due to illness. The parties will  
 21 re-schedule Ms. Baiza's deposition based upon mutual convenience.

22 The parties further agree that the motion for protective order regarding the deposition of  
 23 Robert Geffner is moot and may be withdrawn upon the Court's issuance of an order consistent  
 24 with this stipulation.

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

3 ANN MILLER RAVEL  
4 County Counsel

5 Dated: October 1, 2008

6 By: /S/  
7 MELISSA R. KINYALOCTS  
8 Deputy County Counsel  
9

10  
11 Attorneys for Defendants  
12 COUNTY OF SANTA CLARA,  
13 KENNETH BORELLI, LAWRENCE  
14 GALLEGOS, EPIFANIO REYNA, and  
15 TANYA BEYERS

16 Dated: October 1, 2008

17 By: /S/  
18 WILLIAM C. DRESSER

19 Attorney for Relator  
20 DONNA McLEAN

21 **[PROPOSED] ORDER EXTENDING DEADLINE FOR**  
22 **DEFENDANTS TO COMPLETE EXPERT DISCOVERY**

23 PURSUANT TO STIPULATION,

24 ^ IT IS SO ORDERED. As for Noemi Baiza, her deposition shall be completed by

25 November 28, 2008.

26 Dated: October 8, 2008

27 MAGISTRATE JUDGE HOWARD R. LLOYD

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